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ISSUES REGARDING  
ADULT DETENTION


Joint Interim Subcommittee  
on Adult and Juvenile  
Detention Subcommittee

Montana Board of Crime Control



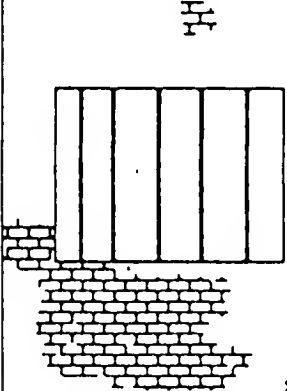
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## MONTANA JAIL FACTS



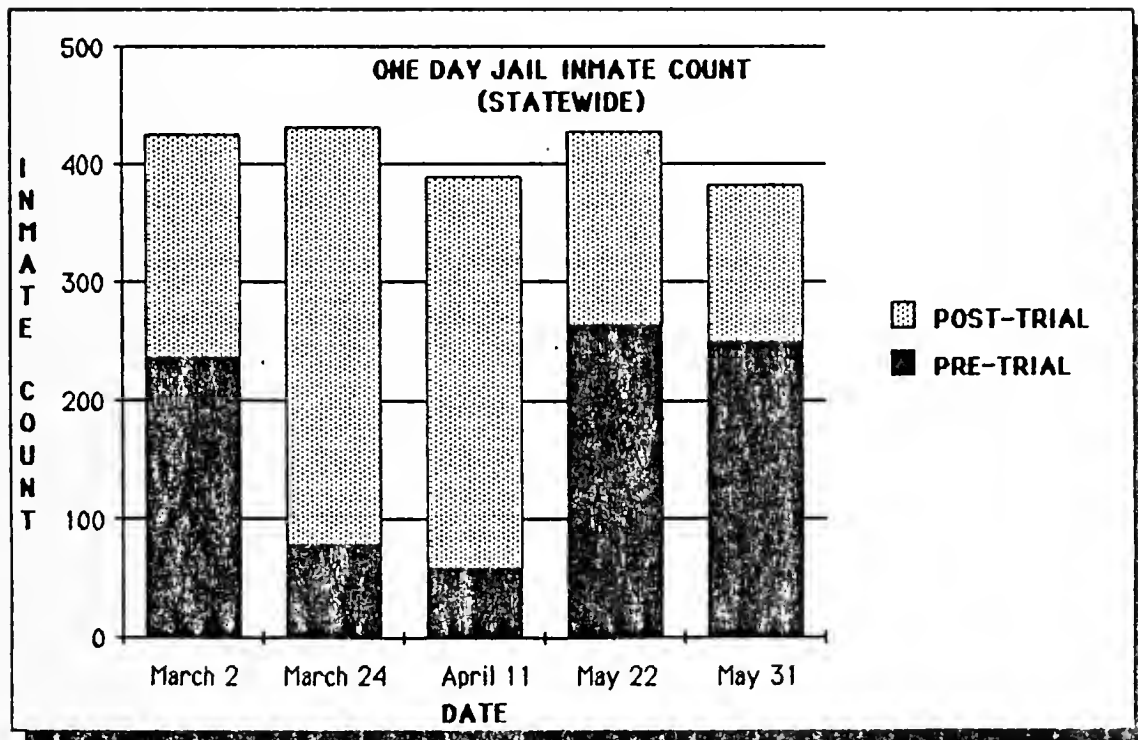
1. 45 JAILS AND 8 72 HOUR HOLDS
2. 1,071 JAIL CELLS AND 54 HOLDING CELLS
3. OLDEST OPERATING JAIL BUILT IN 1881
4. AVERAGE STAY IN JAILS IS ABOUT 1 WEEK
5. STATEWIDE ON 1 DAY THERE WERE 432 INMATES
6. 86% ARE MALES
7. THE MEDIAN AGE IS ABOUT 27 YEARS OLD
8. 68% ARE LOCAL (COUNTY) RESIDENTS

SOURCE : MONTANA BOARD OF CRIME CONTROL



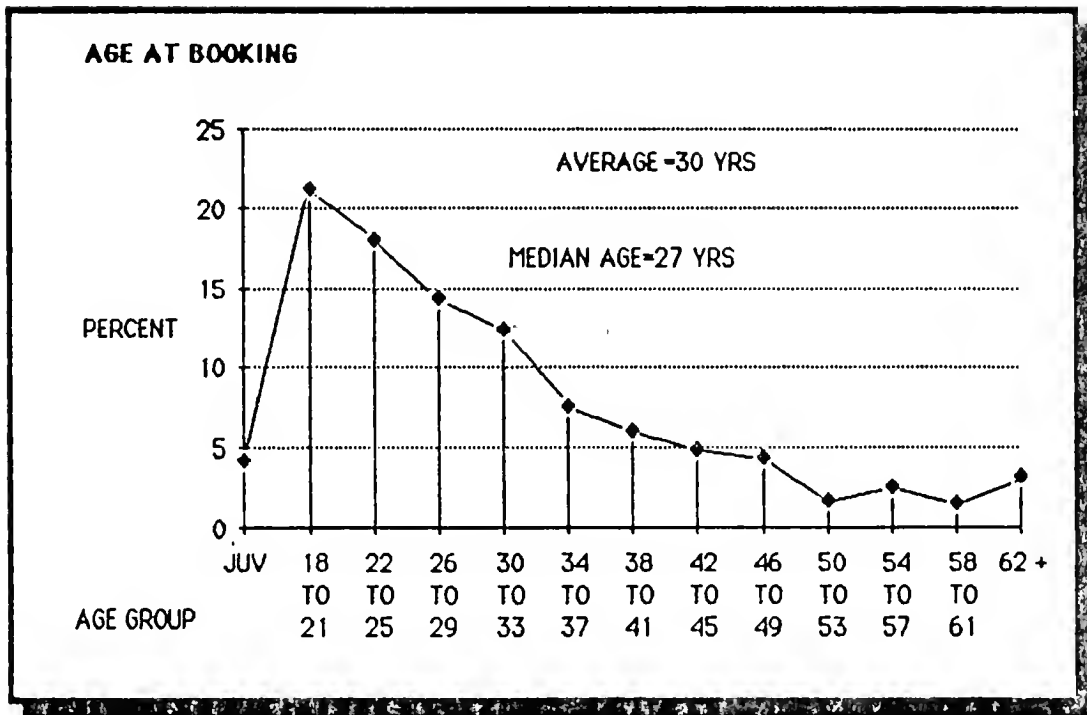
SINGLE DAY JAIL INMATE COUNT--Statewide

*1,000 jail cells in state*





# NINE COUNTY JAILS--1984

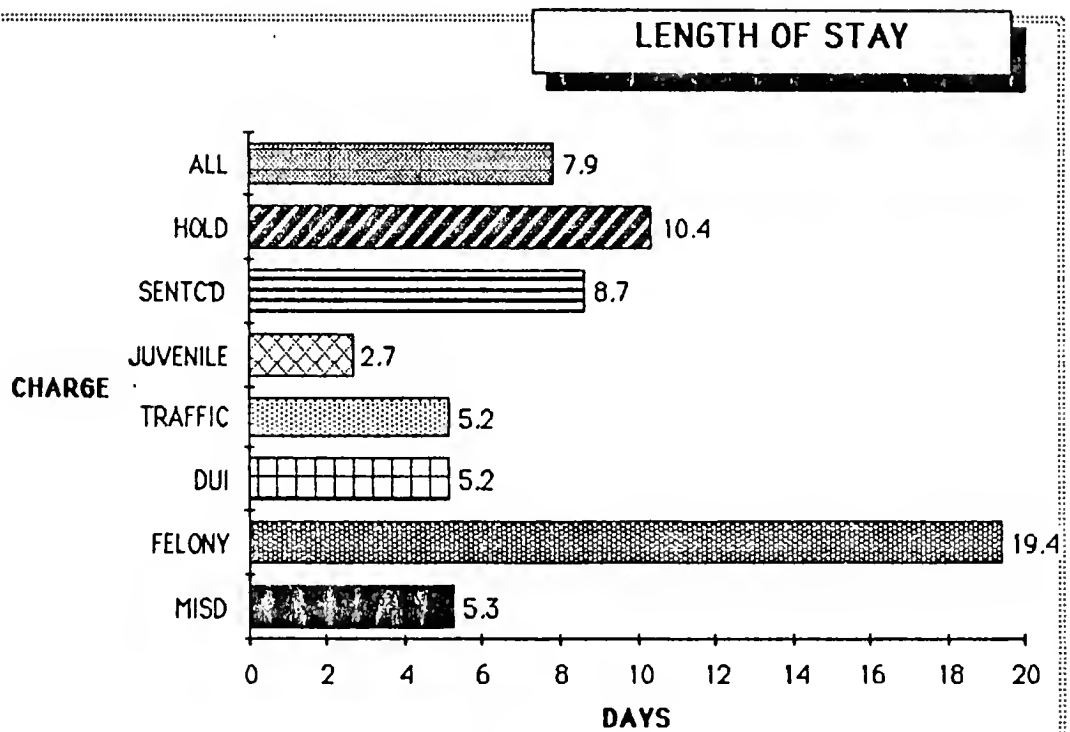


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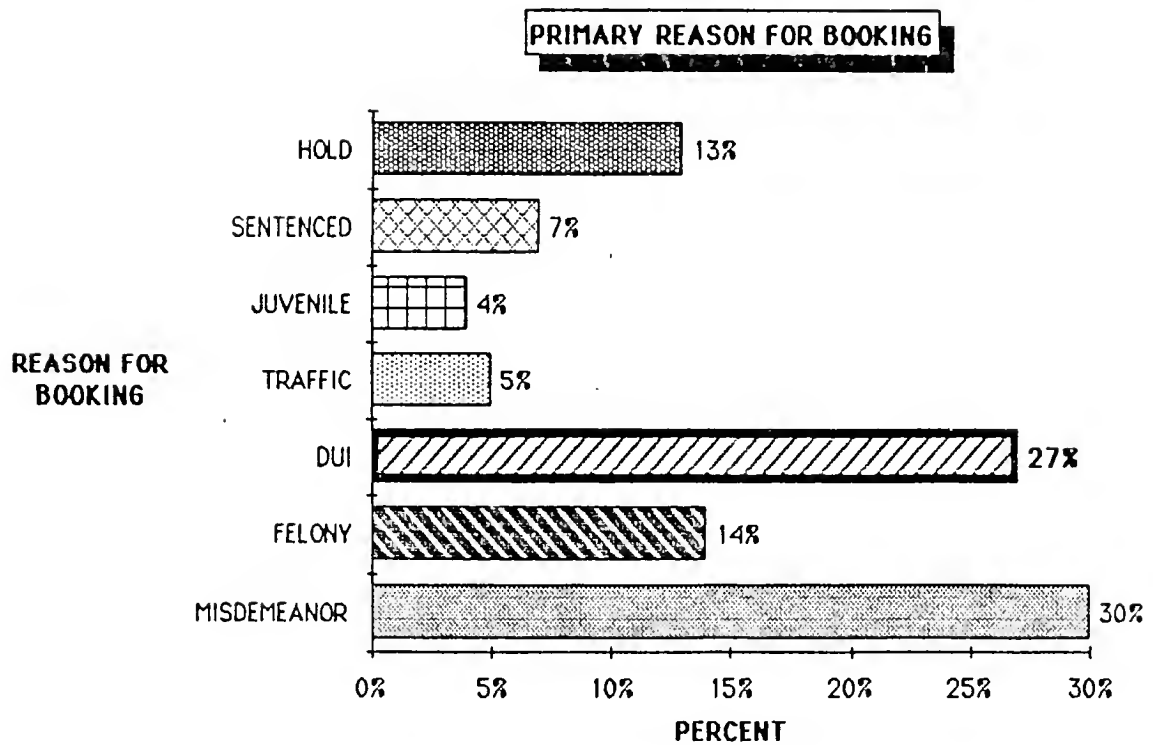
<http://www.archive.org/details/issuesregardinga1989mont>



## LENGTH OF STAY









## **ADULT DETENTION CENTER ISSUES**

1. What is the current adult and juvenile detention and corrections system?

The Adult Detention System is composed of the Montana State Prison, 45 full-time county detention centers, 4 county short-term holding facilities, 4 city police departments with short-term holding facilities and 2 with a full-time city jail. As of 1988 there is only one city jail classified as full-time.
2. How is it structured?

The structure cannot be defined beyond the description above.
3. What are the major components of the system?

The major components are the Department of Institutions (Prison Warden) administration of the State Prison, County Government (The Sheriff) administering county detention centers and City Government (Chief of Police) administering city detention centers.
4. How does the system function?

The State Prison houses persons who have been convicted of violations of law by a court of competent jurisdiction and sentenced thereto by that court. County Detention Centers house persons who have been arrested by the police which typically is prior to any court action. The County also detains persons who have appeared before a court on a preliminary hearing as well as the person that is sentenced by the court to serve time in the County facility. City detention centers operate in the same manner as do county facilities.
5. What are the lines of responsibility and/or authority between state and local agencies for administering detention services?

Each governmental unit has the exclusive responsibility for administering their individual facilities.
6. Who has legal responsibility for the proper operation of detention facilities?

The legal responsibility for the proper operation of facilities rests primarily with the appropriate governing body with specific authority granted to the Sheriff in a county having a Detention Center directly under the Sheriff's office (as opposed to a privately operated facility, which is permitted by law).



7. Who determines detention policy?

Detention policy is determined at many levels. The first level would be a legislative body (state legislature, county commission, or city commission). Usually this type of policy is housed in new or revised laws created by the legislative body.

Another area of policy determination is with the law enforcement agency who makes an arrest. The law enforcement officer makes the initial determination at the point of contact with the individual whether that particular person should go to jail, depending mostly on the type of crime.

Overall departmental policy can play a part in this activity as well such as in the case of creating special law enforcement units to attack particular types of crime during specified time periods.

8. Which agencies are involved in making the detention decision?

This is answered in part under Number 7 above. Actual detention decisions are made by the police officer on the street. His discretion determines which person who should be detained. The Detention facility, or administrator of the facility may also impact this decision by turning away persons brought to be detained when in fact there is no more room for holding prisoners.

Obviously, the courts make initial determinations during preliminary hearings when they determine that a person will be held pending trial. Even methods of setting bond/bail can affect this especially at the court level when bond is set to an amount beyond the capability of the person being held.

9. Who makes the final detention decision?

The answer to this question must rest with the definition of "final." If "final" means to serve sentence in a detention center based on a court action, then the court would be the final decider. If "final" means merely whether to place an initial arrestee in jail then the decision is in the hands of the police officer, unless extenuating circumstances are met such as a facility that is already at its maximum capacity.





10. What agencies have responsibility for licensing and inspection of facilities?

There is no provision for licensing and or inspection of a detention facility. Components of the facility are inspected by various state agencies, but such inspections are limited in scope and have little bearing on the facility. As an example, the State Health Department inspects the kitchen facilities of a detention center if there is one. The Health Department does not have criteria to inspect a detention facility kitchen, thus the same rules apply to it as would a public restaurant.

The Department of Justice, Fire Marshall Bureau, is required to inspect all public buildings for fire code violations. Again the inspection is limited and has little, if any, impact on the facility.

11. Who determines the standards for administration of detention facilities?

There is no determination of standards for administration of detention facilities. Several years ago the Sheriffs and Peace Officers Association developed, with the assistance of a Federal Grant, a set of voluntary Jail Standards. These standards were written during the late 70's and would be classified as outdated at this time.

The voluntary Standards developed were used by many local governments to work on upgrading basic facility conditions.

It bears repeating - there are no standards by which to judge facilities.

12. What is the current financing and cost of operating detention services?

At the State Prison, the legislature provides funding in the budget of the Department of Institutions. County Detention Facilities are usually funded within the general fund budget of the County Sheriff. City Detention Centers are funded by city general fund.

The current cost of operating a detention service is basically an unknown. What is known is that the cost of operation varies from location to location. The cost of housing a prisoner in Yellowstone County is billed out to other agencies at \$35.00/day. In some areas the cost per prisoner day, per bed is much higher, estimated to be as much as \$75.00/day. The figures are different based on such things as detention capacity, staffing patterns, food costs, and other maintenance costs.



13. Does the state share in the cost of detaining individuals held for violation of state laws?

The state shares in the cost of holding individuals in detention when a state agency is the arresting agency. The question of arresting someone on violation of a state law is not an issue. It is not an issue since almost all persons held in detention centers are held for violation of a "state" law.

14. Does the responsibility for funding rest with the level of government responsible for making the detention decisions?

The responsibility for funding does not rest with the level of government making the detention decisions, at least not in all cases. County Government has the primary responsibility for funding county detention centers. The State Legislature makes numerous detention decisions every two years, but they do not have funding responsibility. City government, through their police departments, make detention decisions regarding county detention facilities, but do not have the responsibility for funding.

State and Federal law enforcement officials who make detention decisions through their power of arrest do share in the funding responsibilities.

15. What revenue source is relied upon to fund the costs for detention facilities and services?

General fund revenues from the various governmental levels are primary fund sources.



16. What are the current alternatives to secure detention?

There are limited alternatives to secure detention. Yellowstone County has a couple of examples. First, is the program started in Billings as an alternative to state prison which was a "home arrest" type alternative. An electronic bracelet was worn by the person under arrest, and in detention which would be checked by computer to determine whether he/she was abiding by the terms of confinement.

A second alternative example in Billings is the housing of DUI offenders in a non-secure health oriented facility during the time it takes the offender to sober himself. A third alternative used throughout the state is the issuance of a "Notice To Appear" in lieu of taking a person to jail. Historically many of the persons receiving Notices To Appear today are the same people that would have gone to a detention facility in the past.

17. How do these alternatives work?

Most of the alternatives to secure detention work quite well. The electronic detention in Billings appeared to be very successful during the first pilot year. The Department of Institutions can provide details on this particular pilot program.

Alternative placement of DUI offenders in Billings has met with the approval of the court system in Yellowstone county, thus it would have to be considered working quite well. There is no way to determine whether a program such as the "Notice To Appear" is working since there is no criteria upon which to judge.

18. Who provides alternative detention services?

Alternatives to State Prison is provided by the Department of Institutions. The DUI program in Billings is a private non-profit foundation. Other alternatives are provided either by the governmental unit responsible for detention or some private organization.



19. How much do these alternatives costs in relation to the costs for secure detention?
- Actual costs of the electronic detention program in Billings can be determined by the Department of Institutions. However, it appears from early figures provided to the Board of Crime Control that the cost of holding a person by electronic means is considerably less than the actual housing costs within a secure facility. The funding for the DUI program in Billings is charged back to the person held, the DUI offender. The "Notices To Appear" program can be classified as inexpensive in comparison to actually holding someone. The costs are the merely an officer's time and the paper upon which it is written.
20. How are alternative services funded?
- A federal grant was provided the Department of Institutions to pilot the electronic detention, and is now funded within the Department's budget. Other alternatives are funded by the governing body or in some case charged back to the offender.
21. What criteria or procedures are used in making detention decisions?
- An extensive criteria has been set on the electronic detention by the Department of Institutions upon working agreements with the courts of jurisdiction. Most other alternatives are set by discretion of officials within the system, such as the police officer.
22. Do specific, objective guidelines exist to aid officials in making detention decisions?
- No! There are no specific guidelines for any detention decision. Initial detention decisions are left to discretion and not policy. Subsequent detention decisions made by the courts have such wide latitude built within them that the same conclusion can be drawn at this point in the process of judicial detention decision making. As an example, a court can sentence someone to detention for up to nine (9) months for violation of specific crimes. The phrase "up to" can only be classified as broad discretion. Thus, detention decisions are deemed as discretionary only.





23. What is the sequence of decisions or choices made in making the final decision to detain an individual in a secure facility?

Since the decision is discretionary the sequence in the process is immaterial.

24. How are alternatives to detention considered?

Knowledge of the availability of alternatives and the criteria, if any, that is attached to the alternatives is the most likely key to consideration of the alternative by authorities responsible for detention.





